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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,256

Applicant(s)

MOORE ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1> This action is in response to Applicant's RCE and remarks. Claim 24 has been cancelled. Claims 1-23 and 25-29 are presented for further examination.

2> This is a non-final rejection.

Response to Arguments

3> Applicant's arguments filed 7.7.2005 have been fully considered but they are not persuasive. Applicant is arguing in substance (a) that there is no proper motivation to combine Freeny and Borgstahl; (b) the combination of Freeny and Borgstahl do not disclose "maintaining a list of available electronic services provided by the kiosk" or "a kiosk provid(ing) locally stored and remotely stored services; (c) and reassert a previous argument (filed 1.21.2005) that it is improper to combine the references Borgstahl, Sutter and Pittarelli.

Examiner will discuss point (b) before point (a) as it correlates with the discussion of motivation between Freeny and Borgstahl. Applicant has renamed Freeny's kiosk as a "communication bridge" and that the only service provided is in linking a wireless device to a telecommunications backbone. However, this assertion fails in light of Applicant's own specification and even his dependant claim. First, throughout his disclosure, Freeny discloses providing services through his "bridge", including providing "services such as email, stock quotes, etc" [which correspond to a "list of services", column 18 «lines 24-27»]. Secondly, the specification discloses "the present invention provides a system and method for providing electronic services such as applications and data to wireless devices in a personal area

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network (PAN) via a kiosk" [page 3, lines 2-4]. What should be noted is that Applicant states that electronic services can be applications or data. In light of this, Freeny's services such as email or the stock quotes would read on what applicant considers services. Further, Applicant's claim 1 discloses "retrieving selected ones of the requested electronic services" and further defines this limitation in claim 5: "wherein said step of retrieving specified electronic services...comprises retrieving electronic messages...". Clearly, Applicant considers email a service. And clearly, Freeny discloses such a functionality. So whether or not Applicant's interpretation of Freeny as merely providing a communications bridge is accurate, it is a moot point. Freeny establishes a kiosk (or bridge) for the purposes of delivering data (or services) to a wireless device; this interpretation of Freeny's services is supported by Applicant's own specification. If Applicant has further contention with Freeny, Examiner respectfully requests how Applicant's claims are defined over Freeny's use of his kiosk for delivering services (such as email), and specifically, why Applicant does not consider such functionality a service, when Applicant's specification and claims seem to suggest that providing emails is a service.

In regards to (a), Applicant asserts that it would not make sense to modify Freeny in a manner that "results in Freeny not linking a user to telecommunication backbone for purposes of establishing a telecommunication session". It should be noted that Borgstahl was used as a disclosure for modify Freeny so that it included a personal area network with which a wireless device could communicate with the upgraded kiosk and not provide services. Examiner is unsure how this modification goes "against explicit teachings". As mentioned by Applicant, Freeny teaches establishing a short wireless communication path to a kiosk.

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Borgstahl discloses establishing a personal area network between a wireless device and a kiosk. Therefore, Examiner believes that the incorporation of Borgstahl's personal area network into Freeny does not adversely affect or contradict Freeny's intended purpose. No modification of Freeny is made to "provide services"; as seen in the previous paragraph, Freeny discloses providing services to the wireless device. The only modification made to Freeny is in regards to the network established between the wireless device and the kiosk. Borgstahl establishes a personal area network; therefore Borgstahl was merely used to implement Freeny's network as a personal area network.

Applicant further argued that Freeny was being modified "to operate in a kiosk independent manner". No such modification is being suggested; as stated already, Freeny discloses providing data to wireless devices such as email. As is well known in the art, the wireless device would download the email and be able to read such email whether or not he is connected to the kiosk. To assume otherwise would contradict the purpose of wireless devices as well as what is accepted and known in the art.

In regards to (c), in his previous remarks (1.21.2005), Applicant asserted use of impermissible hindsight and contended that the prior art should be considered as a whole - that Borgstahl, Sutter, Pittarelli and now Freeny cannot be combined. These arguments are not persuasive. The previous remarks were in regards to previous prior art and do not really apply now that Freeny is the primary reference [Freeny discloses retrofitting a kiosk and providing services to a wireless device. Furthermore, Freeny substantially discloses the invention as claimed; the use of Borgstahl, Schuetze, Sutter and Pittarelli do not modify or alter Freeny in a way that contradicts his stated purpose. The references are not being

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combined in a haphazard manner with little regard to whether or not the combinations would make sense. The secondary references are merely used to supplement and modify Freeny's kiosk with functionality that does not significantly alter it; that is, the motivation to combine the references is to provide Freeny's kiosk with improvements and benefits that are well known and expected in the art. The secondary references do not modify Freeny in a way that "results in Freeny not linking a user to telecommunications backbone for purposes of establishing a telecommunication session" because the secondary references (Borgstahl, Sutter, Pittarelli) merely provide improvements to Freeny's kiosk and its functionality. For example, Borgstahl was used as teaching for utilizing personal area networks and to teach modifying Freeny's network between the wireless device and the kiosk to include the personal area network between his wireless device and kiosk. This does not deconstruct or significantly alter Freeny's system.

Sutter was utilized to disclose services that were to be downloaded to the wireless device in a manner that they would still be executable by the wireless device even if it disconnected from the kiosk. One could argue that Freeny already discloses this functionality in regards to his email. Applicant has already suggested that email is considered a "service", and reading the email in the wireless device can be construed as "executing" it. However, for further support, Sutter was disclosed that "services" such as audio or video files could be downloaded into Freeny. In the previous remarks, Applicant seems to contend that "modifying Sutter to include wireless communication capabilities would likely not be obvious at the time of the invention". This does not seem to be particularly relevant as Sutter is not being modified; Freeny discloses downloading data; Sutter discloses downloading data

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such as music or video that can clearly be executed by the Applicant once he disconnects from the kiosk. Furthermore, Sutter discloses utilizing a wireless device in his invention [Figure 1 «item 118a»]. Therefore, Sutter was used as a teaching to modify Freeny's data to include video and music files. This modification does not break from Freeny's desire of providing services to his wireless devices nor does it require substantial skill in the art.

Pittarelli was used as a teaching for a determination step. Again, this modification does not alter Freeny in a way that is contradictory or inventive as the limitations describe cache functionality. Pittarelli discloses determining if requested services have already been downloaded; if so, then the requested service can be immediately provided, otherwise, the service is downloaded from a server external to the kiosk. Such a determination step is ubiquitous in the art as such a modification provides faster delivery of requested services. Examiner believes that this is neither impermissible hindsight and can be reasonably utilized in Freeny [see Freeny, column 6 «lines 17-19» where : use of a memory elements suggest that implementing Pittarelli's "cache" functionality is possible].

The use of Schuetze is moot now that claim 7 has been amended.

So Examiner believes that the combination of references is properly motivated and that Applicant's arguments are not persuasive. Applicant's assertions (considering the inventions as a whole, impermissible hindsight) suggest that the secondary references need to be modified in some way. As established in the aforementioned remarks, this is not the case. Freeny is being supplemented by the references in a way that is well within ordinary skill of the art and with ideas (personal area network, executing services when not connected to the kiosk, determining if the services have already been downloaded) that are not novel

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and are rather ubiquitous in the art. Additionally, there benefits are well known as well: personal area network for providing a network that enables communication between computing devices, providing and executing services when not connected to the kiosk for allowing wireless devices so that users do not have to remain tethered to the kiosk, and the determination of services already downloaded and stored on the kiosk for speeding up delivery of users' requests.

Examiner believes that all of Applicant's concerns have been addressed and has shown why the combination of Freeny and the secondary references is properly motivated and produce the invention as claimed.

Claim Rejections - 35 USC § 103

4> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1-7, 9-23 and 25-29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Freeny, Jr., U.S Patent No. 6,490,443 ["Freeny"], in view of Borgstahl et al, U.S Patent No. 6,487,180 ["Borgstahl"], in further view of Pittarelli, U.S Patent Publication No. 2003|0061271.

6> As to claim 1, Freeny discloses a method for providing kiosk service offerings comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link medium [Figure 18 | Figure 19 | column 1 «lines 17-49» | column 4 «line 60» to column 5 «line 9» | column 6 «lines 30-41 and 54-56»];

configuring said kiosk with a new purpose of providing electronic services over short-range radio communications links to wireless devices in a network [column 4 «line 60» to column 5 «line 9» where: the new purpose is represented by Freeny's addition of wireless capability to the kiosks/pay phones];

establishing a short-range communications link with a wireless device in said network [column 5 «lines 9-19 and 39-49»];

retrieving selected ones of the requested electronic services over said existing physical link medium [column 14 «line 60» to column 15 «line 7»]; and

delivering said requested electronic services to said wireless device in said PAN over said short-range radio communications link [column 9 «lines 42-55» | column 14 «line 60» to column 15 «line 7» : delivering emails].

Freeny discloses maintaining a list of available electronic services provided by the kiosk [column 9 «lines 42-55»], and receiving a request for particular ones of the available electronic services from the wireless device [column 6 «lines 8-10» | column 18 «lines 24-27»] but does not explicitly disclose that a portion of the available services are stored locally

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within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link.

Freeny does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

7> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Freeny to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

8> Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Freeny's kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk.

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9> As to claim 2, Freeny discloses the method of claim 1, wherein said step of establishing a short-range radio communications link with said wireless device in said PAN comprises:

establishing a BLUETOOTH based communications link with said wireless device [column 38 «lines 25-32»].

10> As to claim 3, Freeny discloses the method of claim 1, wherein said kiosk was a single purpose kiosk before said retrofitting step, and wherein the kiosk has at least two purposes after the retrofitting step, one of the two purposes being said new purpose and another of the two purposes being an original purpose of the kiosk [column 4 «line 64» to column 5 «line 19» where: Freeny's wireless capabilities are incorporated into the pay phone, thereby allowing the pay phone to continue to be used for its primary purpose as well as the new wireless functionality].

11> As to claim 4, Freeny discloses the method of claim 1, wherein said existing physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [Figure 1 «items 20, 60» | column 1 «lines 39-44» | column 5 «lines 49-52»].

12> As to claim 5, Freeny discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over

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said existing physical communications link medium [column 9 «lines 45-48» | column 18 «lines 24-27» where: Freeny does not explicitly disclose an email server, he does disclose retrieving email from an email service provider. An email server is inherent to such a service and would be necessary for Freeny's service to be successful implemented].

13> As to claim 6, Freeny discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider (ASP) communicatively linked to said kiosk over said existing physical communications link medium [column 32 «lines 1-14» | column 34 «lines 12-22» where: Freeny's special services and video/audio elements are analogous to applications. While Freeny does not explicitly disclose an ASP, such a provider would be inherent to Freeny's delivery of the special services].

14> As to claim 7, Freeny discloses the method of claim 1, wherein said delivering step comprises: said kiosk delivering electronic mail to an electronic mail client in said wireless device [column 9 «lines 45-48» | column 18 «lines 24-27»].

15> As to claim 9, Freeny discloses the method of claim 8, further comprising:
presenting within the wireless device a plurality of applications [column 9 «lines 42-57»]; and

said kiosk receiving a user-selection of one of the presented applications [column 9

«lines 42-57»].

Freeny does not explicitly disclose determining if said user-selected applications wholly reside in said kiosk. And while Freeny does disclose delivering said user-selected applications to said wireless device in said PAN he does not disclose the step of if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium.

16> In the same field of invention [abstract], Pittarelli discloses:
determining if said user-selected applications wholly reside in said kiosk [0038]; and,
if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium [0038]. It would have been obvious to one of ordinary skill in the art to incorporate Pittarelli's kiosk storage capability into Freeny's kiosk application delivery system. Specifically, one of ordinary skill in the art would have reasonably inferred that first checking the cache of the kiosk for selected applications before requesting the application from a remote server would have substantially improved Freeny's kiosk services because it would have reduced unnecessarily connecting to the network to retrieve applications. One would have further expected success because Freeny discloses that his kiosk contains memory capability [column 6 «lines 17-19»].

17> As to claim 10, Freeny discloses the method of claim 9, further comprising;
retrieving components not residing in said kiosk over said existing physical

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communications link medium [column 34 «lines 12-22»].

Freeny is silent to determining in the components of said user-selected applications reside in said kiosk; and,

delivering said components determined to reside in said kiosk.

18> In the same field of invention, Pittarelli discloses:

determining in the components of said user-selected applications reside in said kiosk [Figure 7 | 0038]; and,

delivering said components determined to reside in said kiosk [Figure 7 | 0038].

As specified in the rejection of claim 9, it would have been obvious to incorporate application caching functionality into Freeny's kiosk as taught by Pittarelli. It would have been further obvious to one of ordinary skill in the art to determine if the application is already stored in the kiosk, and if it is to deliver the selected application from the kiosk, without needing to download it from the server. Such functionality would reduce the airtime charges of having the kiosk connect to a remote server.

19> As to claim 11, as it does not teach or further define over the claimed limitations of claims 9 and 10, claim 11 is rejected for similar reasons set forth in the rejections of claims 9 and 10, *supra*.

20> As to claim 12, Freeny discloses a kiosk for distributing electronic services to wireless devices in a network comprising:

a retrofitted, publicly located, and fixed positioned kiosk including a wireless transceiver configured to communicate with a communications network over an existing physical communications link medium, wherein before being retrofitted, said kiosk was previously configured to communicate over the existing physical communication link medium, and wherein before being retrofitted, said kiosk lacked wireless communication capabilities [Figure 18 | Figure 19 | column 1 «lines 17-49» | column 4 «line 60» to column 5 «line 9» | column 6 «lines 30-41 and 54-56» where: Freeny discloses a conventional pay phone which is well known to lack wireless communication capabilities];

a network communications client for communicating with servers in said communications network [column 1 «lines 40-44» | column 21 «lines 1-4»]; and

a short-range radio communications system for communicating with wireless devices in the network, wherein the kiosk provides the wireless devices with selected ones of the available services for execution in the wireless devices [column 1 «lines 37-39» | column 6 «lines 48-67» | column 9 «lines »].

Freeny discloses maintaining a list of available electronic services provided by the kiosk [column 9 «lines 42-55»], but does not explicitly disclose that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link.

Freeny does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

21> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Freeny to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

22> Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Freeny's kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk by reducing unnecessary connections to the network to retrieve applications.

23> As to claim 13, Freeny discloses the kiosk of claim 12, wherein said short-range radio communications system comprises:

a short-range radio communications system configured in accordance with
BLUETOOTH specifications [column 38 «lines 25-32»].

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24> As to claim 14, Freeny discloses the kiosk of claim 12 wherein said kiosk is a public telephone [column 4 «line 60» to column 5 «line 9»].

25> As to claim 15, Freeny discloses the kiosk of claim 12, wherein said physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [Figure 1 «items 20, 60» | column 1 «lines 39-44» | column 5 «lines 49-52»].

26> As to claim 16, Freeny does disclose a server [column 21 «lines 1-4» where: it is well known in the art that an internet service provider would require servers to be able to service its clients] but does not explicitly disclose that the server is an application server.

27> Pittarelli discloses utilizing an application server to retrieve applications [Figure 2 «item 18» | paragraph 0018». It would have been obvious to one of ordinary skill in the art to have reasonably inferred that Freeny's ISPs would have application servers to store and from which to retrieve selected applications as taught by Pittarelli. Such a capability is ubiquitous in the art and would enhance Freeny's ability to handle client requests.

28> As to claim 17, Freeny discloses the kiosk of claim 12, wherein said communications network is an Internet [column 12 «lines 7-13»].

29> As to claim 18, Freeny discloses a method for delivering electronic services in a network comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link medium [Figure 18 | Figure 19 | column 1 «lines 17-49» | column 4 «line 60» to column 5 «line 9» | column 6 «lines 30-41 and 54-56»];

configuring said kiosk to deliver electronic services over short-range radio communications links to wireless devices in a network, said existing kiosk also configured to communicate over said existing physical communications link medium to access Internet data [column 1 «lines 34-55» | column 12 «lines 7-17»];

establishing a network in a publicly traversable area [column 2 «lines 3-20»];

selectably retrieving electronic services through said existing physical communications link medium into said kiosk [column 9 «lines 42-57» | column 14 «lines 11-24»]; and,

delivering said requested electronic services to wireless devices in said network over said short-range radio communications link wherein said delivered requested electronic services comprise said retrieved electronic services [column 9 «lines 42-57» | column 14 «lines 11-24»].

Freeny discloses maintaining a list of available electronic services provided by the kiosk [column 9 «lines 42-55»], and receiving a request for particular ones of the available electronic services from the wireless device [column 6 «lines 8-10» | column 18 «lines 24-27»]

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but does not explicitly disclose that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link.

Freeny does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

30> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Freeny to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

31> Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Freeny's kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk.

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32> As to claim 19, Freeny discloses the method of claim 18, wherein said step of establishing a PAN in said publicly traversable area comprises:

establishing a BLUETOOTH-based PAN with said wireless device in said publicly traversable area [column 38 «lines 25-32»].

33> As to claim 20, Freeny discloses the method of claim 18, wherein said step of retrofitting the kiosk comprises retrofitting said kiosk so that the kiosk retains its original purpose while also performing said new purpose [column 4 «line 64» to column 5 «line 9» | column 10 «lines 53-56»]; and

wherein the step of configuring said kiosk comprises activating said retrofitted kiosk in said publicly traversable area [column 2 «lines 3-20»].

34> As to claim 21, Freeny discloses the method of claim 1, wherein the kiosk functions as a wireless access point for accessing an Internet [column 1 «lines 17-27» | column 12 «lines 7-13»].

35> As to claim 22, Freeny discloses the kiosk of claim 12, wherein the kiosk functions as a wireless access point for accessing an Internet [column 1 «lines 17-27» | column 12 «lines 7-13»].

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36> As to claim 23, Freeny discloses the method of claim 18, wherein the kiosk functions as a wireless access point for accessing an Internet [column 1 «lines 17-27» | column 12 «lines 7-13»].

37> As to claim 25, Freeny discloses the method of claim 24, wherein the wireless device includes input/output components configured as a user-interface for purposes related to the electronic services [column 9 «lines 45-57»].

38> As to claim 26, Freeny discloses the method of claim 1, wherein the existing, single-purpose, publicly-located, and fixed positioned kiosk is selected from the group consisting of a payphone, ticket counter, and a gasoline station island [column 2 «lines 3-20»].

39> As to claim 27, Freeny discloses the method of claim 12, wherein said kiosk is a gas station island [column 2 «line 9»].

40> As to claim 28, Freeny discloses the method of claim 12, wherein said kiosk is a ticketing booth [column 4 «lines 41-53»].

41> As to claim 29, Freeny discloses the method of claim 12, wherein said kiosk is a toll booth [column 4 «lines 41-53»].

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42> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Freeny and Borgstahl, in further view of Sutter, U.S Patent No. 6,577,720.

43> As to claim 8, Freeny does not specifically disclose the method wherein said retrieved application is retained within and remains executable by the wireless device even after said wireless device is disconnected from said PAN.

44> In the same field of invention [column 2 «lines 34-38» | column 4 «line 59» to column 5 «line 6»] Sutter discloses downloading an application where it is retained within and remains executable by the wireless device even after said wireless device is disconnected from said PAN [column 5 «lines 30-40» where: while Sutter does not explicitly state that the application (music, video) is retained, one of ordinary skill in the art would have reasonably inferred such a capability. Otherwise, Sutter's invention would require the wireless device to remain connected to the fixed location terminal to play the downloaded media. Such an expectation is counter intuitive to the benefits of utilizing the wireless device, and therefore, one of ordinary skill in the art would expect the music, video to be retained and remain executable even after leaving the PAN]. It would have been obvious to one of ordinary skill in the art to incorporate Sutter's music/video off-line capability into Freeny to allow downloaded services and applications to be taken away from the fixed pay phone and utilized in the full capacity of the wireless device.

Conclusion

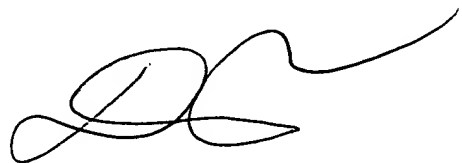
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942.

The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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A handwritten signature in black ink, appearing to read 'Dung C. Dinh', with a long horizontal flourish extending to the right.

Dung C. Dinh
Primary Examiner